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A
B R E V I A T E
O F T H E
S T A T E
O F
S C O T L A N D
I N I T S
G O V E R N M E N T.

Supream Courts; Officers of State, Inferiour
Officers, Offices, and Inferiour Courts,
Districts, Jurisdictions, Burroughs Royal,
and free Corporations,

L I C E N S E D

April 1. 1689.

James Fraser.

L O N D O N,

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B R E V I A T E

OF THE

S T A T E

S C O T L A N D

IN THE

G O V E R N M E N T

Supreme Court, Office of State Prison,
Office of the Sheriff, and other
offices, in the City of Edinburgh,
and in the County of Edinburgh.

IN THE
COURT OF THE
SHERIFF OF THE
COUNTY OF
EDINBURGH

AND
IN THE
COURT OF THE
SHERIFF OF THE
COUNTY OF
EDINBURGH



A

A B R E V I A T E Of the STATE of S C O T L A N D

In its Government, Supream Courts; Officers of State, Inferour Officers, Offices, and Inferiour Courts, Districts, Jurisdictions, Burroughs Royal, and free Corporations.

THE Ancient Kingdome of *Scotland* being governed for many Ages by Kings : Upon the Death, Removal, or Incapacity of their Kings, or in extraordinary Cases, there was always an extraordinary meeting of the Three States, who appointed Governours during the *inter Regnum*, or the same States (being as the representative of the whole Body called the great Assembly of the Nation) Proclaim'd a King, who being King, by Vertue of the whole Bodies proclaiming of him King, called a Parliament, or more ordinarily a Convention of States, who had not power (tho' they were the same Members that Constitute a Parliament) to make Laws, but only to lay impositions upon the Subjects for some exigences. A King being once thus proclaim'd *veritate officii & Coronæ* inherent to the Office, though it wants the Ceremony, or Solemnity of Coronation, Names the Officers of State; Greater and Lesser, grants Commissions to the Judges fit for every Sovereign Court, Inferiour Courts, and Jurisdictions, and grants Commissions to the Officers of the Crown, of the Army, the Lyon Herald, Governours of Forts, and all other Inferiour Officers in Civil and Military Affairs, &c. Sometimes the King calls a Parliament, which is the great Council of the Nation, to Crown him and to make Laws, to corroborate or ratifie the old wholsome Laws, something in desuetude, which makes them New Laws, becaule when in desuetude, and not put recently in Execution, the penalty incurr'd is become so Univerfal to the Nation, that the Execution in that case of them

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would

would prove dangerous. Thus a Parliament lawfully called hath the Chancellor to preside, if no Chancellor, they choose their Preses, the Register, and the Clerks of Session (his Deputies) are Clerks of Parliament, and the same are as to a Convention. But a general Meeting of the Three States choose their Preses, Clerks and other Officers and Servants, except such as are heretably so. In time of Popery, when not only our Kings, but all in *Europe* had enslaved themselves to the Court of *Rome*, there was no Oath which tyed King and People to the True Apostolick Doctrine and Worship. Yet when *Scotland* was Reformed and the Protestant Religion established by Law, there was an Oath enjoined, and always taken by the King, (except of late) for professing and maintaining the same Religion, and our Kings were never used to come to any part of the Regal power till they took this Oath.

The Officers of State in that Kingdom are Eight in Number.

The Great Officers are,

The Lord High Chancellor, who is President in all Courts he sits in, except the Thesaury and Exchequer: he has a Pension and a Sallery.

The Lord High Thesaurer (or Commissioners) who presides only in the Thesaury and Court of Exchequer: A Pension and a Sallery.

The Lord Privy Seal, Keeper thereof, the Emoluments thereof. The Lords Secretary one or more, who most ordinarily attends at Court: A Pension and the Emoluments of the Office.

The Lesser Officers of State, are

The Lord Register, who is keeper of the Register and Rolls of Parliament, &c. being a place of the greatest trust and Emoluments in that Kingdom, and is ordinarily a Lord of Session, and has a Sallery likewise.

The Lord Advocate, who advises and pleads all the Kings Causes, &c. a Pension and Emoluments.

The Lord Justice Clerk, which though a very Old Office, has no Emoluments, but a Pension.

The Lord Thesaurer Deputy, who has the same Emoluments in his degree with the Thesaurer, and presides in the Thesaury and Exchequer in the Thesaurers absence, both have pensions,

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*The Officers of the Crown, besides the Officers
of State, are*

The President of the Council, and so takes his place next the Chancellor, a Pension.

Collectors General.

Master of Requests.

Directors of the Chancery, which is an Old and Honourable Office, the Emoluments of the Office.

The Director of the Rolls.

*The First Supream Court of the Nation is the
P A R L I A M E N T.*

IN this Court (which is so called by the Kings Proclamation in needful places) The King himself sits immediately upon a Throne under a Canopy of State, or in his absence (since King of *England*) by his Commissioner, and this Court consists of three States : In time of Popery the Bishops and Miter'd Abbots made the first State, but since, of Arch-Bishops and Bishops; sometimes the Nobility and Gentry the Second ; the Burroughs the Third; though there be Persons that urge good Arguments to maintain that the Nobility, the Gentry who are represented by certain Commissioners from each Shire, and the Commissioners from Burghs &c. with the assistance of a General Assembly sitting makes the three States, of Parliament. The King or his Commissioner, with the three States the day of their meeting, ride in their Robes and foot Mantles with their Attendants from the Kings Palace in a Parliamentary way ; the meanest State by way of precedency by two and two riding foremost, so by degrees, and the King or his Commissioner last to the Parliament House, then the King or his Commissioner is conducted to the Throne, Prayer being said after all placed, the Rolls are called, the Court fenced, the King, if present, tells them the reasons of calling them, or the Commissioner by the Kings Letter presenting of his Commission, and by a Speech to the Parliament tells the reasons of their meeting, next they choose the Lords of the Articles; but the old Form is altered; for one State used to choose eight out of another State, which being thirty two, with the eight Officers of State, makes forty; but now by Act of Parliament its settled that the King or Commissioner choose the eight Clergymen, the Nobility choose their own eight, and those sixteen choose eight of the Barons and eight of the Burgesses, which way of choosing of the Members of the Articles would insinuate a fourth State, besides Officers of State, or else one of these called the States would seem to be superfluous, or at least not essentially necessary to constitute a Parliament, which would make the foresaid
Argument

Argument good. This is all that is done the first day, and so they ride in the same order to the Kings Palace. The next day, or sometime that afternoon, the Commissioners meets with the Lords of the Articles to prepare matters brought into the Parliament. When any thing is past in the Articles and Parliament by the Major Vote, the King or Commissioner touches it with the Scepter, which imports the Kings consent, without which it is of no force, and their Votes they approve or not approve, or say *non liquet*, for there is no dissents, or protests allowed in publick Acts being accounted treasonable, *sed licet protestare in privatis pro interesse*, and takes Instruments in the Registers hands. This Court ordains the Acts to be printed, and proclaim'd, without which they seem'd of old to have no import till they were *legis promulgata*, notwithstanding of any late customs introduced. This Court do revise or produce Acts and Decrets of any other Courts, and canvass the Rights and Properties of private parties, if not prescribed by Law, and even in that case they have found prescriptions short in some circumstances. This Court Names Commissioners in every Shire, for Cess, Excise, Supply, &c. Names Justices of peace for high ways, Bridges, Briefs, and other things, tending to the publick peace and tranquility of the Kingdom in their divisions, and whatever might have been done in this great Court, which might furnish grounds of grievances: Its not the fault of its Constitution, or of the Members thereof, since all is carried by the Major Vote; but some corrupt Nobility, that either expected, or did live by the Kings bounty, or the Representatives of Shires, or Burghs, that were a packt party, who purposely contriv'd the late yokes to debar many good honest Protestants from being capable to be Electors of Members, or Elected Members of Parliament themselves, though otherwise qualified by the Ancient wholesome Laws, to be both Electors of honest Men, and Elected themselves.

The Second Supreme Court is the Privy Council.

THis Court consists of the Chancellour, who presides the other Officers of State, the President of the Session, Justice General and such others of the Nobility and Gentry as the King pleases to Name, this Court was Originally appointed for the publick affairs, and are Judges of Riots, and disturbances given to the peace of the Nation, but it arose to its highth only when King James came to *England*, who placed much of the power anent the publick safety and peace of that Kingdom in the Privy Council: Yet till of late this Court did never decide in Civil or Criminal causes occasioning any debates, but remitted the same unto the Judge Ordinary, either, *via ordinaria*, by raising of formal processes, or summarily by remitts, and the parties application to the Judge, or Judicator competent: Many think this extraordinary power given to this Court was a ready way, not only to introduce the dispensing power, but also an Arbitrary Government into that Kingdom, the Council having no bounds further

further than to obey whatever the King by Evil Ministers suggested to them by Letters, or other ways, and it there could be an Union happily concluded betwixt the Two Nations, the deciding of Riots, &c. might be done by the Sheriffs of the several Shires, and if difficult, the Lords of Session by a distinct *federunt* from that of the Session; once or twice a Week might decide all these affairs, competent to a Privy Council themselves, being made up of ordinar and extraordinary Lords, and this would be a great ease to the Lieges, not to be obliged to attend Two Courts where one might serve. This being only Honourable they have neither Pensions nor Casualties.

The Third Supream Court is the Session called the Colledge of Justice a Capite, or Nobiliore parte.

THis Court being one of the most Noble, Decent, and most orderly Courts in *Europe*, both from its first Foundation and latter Constitution by King *James* the Fifth, who (by its newer foundation, created it a Colledge of Justice after the form of the Supream Sovereign Court or Parliament of *Paris*) gave it great Priviledges, Emoluments, and Immunities, before it was so Erected, it was called in *Scotland* the Kings Council, or the Lords called the Lords of Council and Session, which Title, they still carry, being first a Committee of Parliament, and was an Ambulatory Court by Circuits, when its thought they had a cumulative and distributive Jurisdiction centered in one, which made it both Civil and Criminal: This most Honourable Court now consists of one constant President and fourteen Senators, who have but mean Salleries not suteing the Grandeur of their Character, or their fatigue or attendants, being but two hundred pound English yearly to each Senator: The Lord High Chancellor presides here when present, but speaks little, except he be a bred Lawyer; the King Names several other extraordinary Lords, who sit but are not obliged to attendance, because they have no Salleries but Votes with the rest: This Court now sits the first of *June*, and rises the last of *July*, and vacates till the first of *November*, at which time they sit again, till the twentieth of *December*, and then it vacates till the Tenth of *January*, when they sit again, and rises the last of *February*: Many thinks the Christmas vacance too long which occasions their Session from the first of *November*, till the twentieth of *December* by reason of the ensuing vacance to have but little effect. In time of Session they sit from Nine of the Clock, till Twelve in the forenoon, all the days of the Week, except *Sunday* and *Monday*; they sit sometimes in the afternoon, to end concluded causes, or to hear long debates, the forenoon being short to hear them. The Lord *Stair* when President in the year 1676 procured a Warrant from the King, giving power to the President to call the Lords in the Afternoon together to hear and dispatch business, which was a great occasion of dispatching the Lieges affairs, and the Lords follows much of the same Methods as yet: The Senators in the Inner House, with the other extraordinary Lords, sit in a semicircle Bench, in their Robes in the forenoon, but wanting
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them in the afternoon, to hear Petitions, Procceses resum'd by the Clerks, and Advocates debates their Clients cause: They have three or six principal Clerks, who *per vices* as they are imployed minutes the Heads of great and weighty causes and debates, and writes the deliverance of Bills, Interloquitors, and definitive Sentences by the Lords in the Inner-house, which makes Decrets, and which determines all business in that Court, there being no appeals from it to any other Court, but by application to themselves before extract, or Reduction, or Suspension in common Form: Which in the second instance comes always before themselves, and must be upon other new grounds than was formerly represented: Nine of the Lords makes a *Quorum* in the Inner-House, otherwise they cannot Vote in any Case, except in particular Cases referred to one or more by the Hall Lords, and one of the Senators (the President always being excepted) is Weekly appointed Judge in the outerhouse for discussing of ordinary Actions, who sits upon a Bench with the six under Clerks sitting before him, who minutes likewise in their course as they do in the Inner-House all Debates or Writs, Signatures or Sentences of ordinary Causes decided by the Ordinar, who meddles with no extraordinary case, except where it's remitted to him by all the Lords to be discuss'd, in the outerhouse for dispatch. There is a Roll of ordinary Actions, such as summons, simple reduction, improbation, recognition, &c. Advocations and Suspensions in another Roll, for the outer House, when these are called: Terms granted, Acts extracted, which when called here are either Sentences pronounced by the Ordinar in the Outer-house, and so Decreeded, or else the parties craves a Representation of one point or more to the Hall Lords, and the Ordinar to make a report of their interloquitor, which he reports in the Outer-House the next day ordinarily, or at the side Bar, the next Week, but the most of causes in the outer House, especially of consequence comes to the Inner-House, by making an *avisandum* to all the Lords, and is Inrolled in course by Warrant in the Inner-House Roll of ordinary Actions, which in its course again comes to be called in the Inner-House before the Hall Lords, and after debate, either there is a decision, or the cause is concluded. Where there is any probation led and inroll'd *de novo* in the Roll of concluded causes in the Inner House, when it's advised by the Hall Lords with close doors, and where there is any difficulty after the President resumes the Hall cause and debate, and the Lords calls the parties, and their proctors to see if they have any further thing to say, and ordinarily they have nothing material to add: Then the Lords orders them to remove, and upon serious deliberation they Debate and Vote, and calls in the party and their Advocates, and by the mouth of their President declares their Sentence definitive, which is a Decret to be extracted, as all other Decrets are by the Clerks, conform to the Minutes and Warrants of the Process, if there be more sheets in the Decret than one: The principle Clerk side signs the joyning of every two sheets, and the Lord Register subscribes the last Sheet of the Decret, which contains the Hall Libel, as it is in the Summons, the Executions, Debates, and Interloquitors of the Outer and Inner-House and the Lords Sentence:

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This is a *Vidimus* of the Lords of Sessions procedure, but of all the Courts in that Kingdom their Decrets and procedure are most formal. So that the Lords by their constitution are obliged to do nothing, but by the greatest deliberation in the World, upon these Decrets the parties raise horning, and other diligence under the Kings Signet for payment of the debt or securing of the debtors Estate for payment thereof. This Court is said to have a distributive Jurisdiction only, but no competent Judicator for life or Limb, &c. But for faults competent to themselves too tedious to insert here, being intended but an abreviate. This Court makes acts of *federunt*, equivalent to Laws and Acts of Parliament, and are in force till they be approved of, as ordinarily they are, or recall'd by Parliament, which is seldom, or never, because the Lords of Session are the proper interpreters of Acts of Parliament, who have a Bench in Parliament, not as Judges, but sit there in time of Parliament, to give their opinion to the Parliament, when required in matters of intricacy. The Lords of Session make their own Collectors and other Servants of the house, except the four ordinary Macers who serve them in time of Session, and have their Commissions from the King, with yearly pensions besides their ordinary dues from parties. The Lords appoints certain of their number weekly to sit upon all Bills of Suspension, &c. And for examining of Witnesse by turns. This Court having formerly been called the Kings Council for the reasons foresaid, had not only a distributive, but a cumulative Jurisdiction. The reasons for dividing and giving part of their Power to the Privy Council, and partly to the Justice Court is not fit now to be urged. The restricting the power of this Court, and imparting it to others, and displacing Judges that were honest men, Notwithstanding their Commission (*ad vitam & culpam*) who could not comply with any designs against their Conscience, and placing men not fit for that weighty employment, or that would comply, was a ready tool to serve that prerogative (which some Parliaments gave the King, by the help of evil Ministers, that were either too forward, or others that connived at any thing was enjoyned them) to a Stretch of fundamentals, tending always by degrees to a despotick power and arbitrary Government. This Court likewise, has an Ordinar at the side Bar, which (though not in their Constitution) dispatch much ordinary business, and is pretty well regulate within these two years, allowing none at the Bar but one at once, some think (as was hinted before) that this Court might supply the Privy Council for the ease of the Lieges.

The fourth Sovereign Court, is the Justice or Criminal Court having a Cumulative Jurisdiction.

THIS Court came in place of the Justice Eir, or Justice General, which was last of all in the Person of the Earl of *Argile*, who transacted for it with King *Charles* first, and was made then Justice General of all the Islands, which raised great debates betwixt him and

and some pretended heritable Sheriffs there, and that Jurisdiction was taken away by the Parliament, 1672. Which was erected in a Justice, or Criminal Court, this Court consists of the Justice General alterable at the Kings pleasure, Justice Clerk, and five other Judges, who are Lords of the Session; and this Court ordinarily sits upon Monday, and goes sometimes to the Country by Circuits, which the Country found to be very uneasy to them: The ordinary Clerk of this Court has his Commission from the Justice Clerk, They have four ordinary Macers and a Doomster appointed by the Lords. The Clerk raises a libel or inditment upon a Bill past by any of the Lords thereof, at the instance of the Persuer against the Defender a criminal, who is readily incarcerated after citation. When the Party, Witnesses, and great Assize or Jury of forty-five are cited, the day of compearance being come fifteen of the greatest Assize is chosen to be the Assize upon the pannal or prisoner at the Bar; if he be a Peer, most part of his Assize are Peers, and the Assize sits with the Judges to hear the Libel read, witnesses examined, and the debates *hinc inde*, which is *verbatim*, written in the adjournal Books. The Kings Advocate pleads for the Persuer, being the Kings Cause, and other Advocates for the pannal, the debates being closed, they either find the Libel or Inditement not relevant, in which case they desert the Diet, and assoiles or absolves the party, or if relevant then in that case the Assize or Jury of fifteen is removed to a closer Room, none being present with them, where they choose their own Chancellor and Clerk, and considers the Libel, Deposition, and Debates, and brings in their Verdict of the pannal Sealed, guilty or not guilty, if not guilty the Lords absolves, if guilty they condemn and declares their Sentence of condemnation, and the punishment to be put in Execution against the pannal by a Macer, and the mouth of the Doomster. So the Pannal is carried to prison till the Sentence be put in Execution. Of Late the Kings Advocate have brought in an use of raising a Summons of an Assize of error against the Assizers, if they find not guilty, and they are tried as the other Pannal, which occasioned a great deal of grumble and murmur, Men choosing (being upon Soul and Conscience) rather to be fined, than to be Assizers. All these Lords have pensions.

The fifth Supream Court is the Exchequer or properly the Kings Baron Court.

THis Court consists of the Lord High Thesaurer, who presides, though the Lord Chancellor were present, or Commissioners in place of Thesaurer and Thesaurer Deputy, who presides even among the Commissioners being one himself, or in absence of the said Lord Thesaurer. There are several Assistants to them who are called the Lords of Exchequer, who have little power, because the Thesaurer or Commissioners, and Thesaurer Deputy, who carry all as they please, because they but Sign in Exchequer whatever the Thesaurer

saucer, or Commissioners and Thesaurer Deputy, revise and pass in the Thesaury Chamber: Before this Court was formerly over-ruled by the Comptroller of the Kings Accompts, and the Master of Requests. All the Kings grants whether Commission, new Charters, or Charters of confirmation, with *de novo damus*, Confirmations of Subvassals, Charters from their Superiors to prevent forfeiture, and other things which pass of course for small composition, gifts of ward, single or taxed, Letters, Pensions, &c. are revised and composed by the Thesaurer or Commissioners and Thesaurer Deputy, pass in this Court; and there are few debates before it, for where there is any matter of Law, it is remitted to the Judge Ordinar, if there be any new Signatures. Parties Leased or injur'd compare, and give in Petitions to be heard, and so they are either pass *Simpliciter*, or with protestation are stop't, till the cause be further represented. The Kings will was a Law in this Court, and so whatever the prevailing Ministers Suggested to be the Kings pleasure, was readily comply'd with there, by some, and connived at by others, The Lords have no Pensions nor Emoluments.

There is a Sixth Court called a Sovereign Judicator, wick is the Admiral Court.

THIS Court came first to an hight by King *James VI.* Act, Parl. 18. cap. 10, &c. And this Act Ratified and further extended by King *Charles II.* Parl. 2. cap. 16. And further amplified by the Act 1681. Declaring it a Sovereign Court in it self. His Royal Highness the Duke of *York* being then Lord High Admiral, and was the Kings Lieutenant, and Justice General on the Seas, and all Ports, Harbours, and Creeks thereof, and upon fresh Waters or Navigable Rivers below the first Bridges, or within the highest Flood marks; where there was no Bridges, he had the sole Jurisdiction in all maritime Causes, Forreign or Domestick, Civil or Criminal, Exclusive of all other Judicators, with many other Priviledges; He reduces Decrets of Inferiour Admiral Courts, and revives his own. No advocacy from, or suspension of these Decrets, but by the whole Lords of Session in time of Session, and by three in time of vacancy, and must be discuss Summarly without the order of a Roll, and that the Admiral and his Deputy have the sole Right of granting Passes or safe Conduct to all Ships, &c. In that Parliament there was strong debates to oppose this Act; Shewing, That it would be a retrenching of the Power and Priviledges of the Lords of Counsel and Session, and incroachment thereupon, &c. This Court which is kept by the Judge Admiral only and his Deputies, meddles with Bills of Exchange of Merchants, which is thought to be extrinsick to that Court, and no doubt, is very proper and convenient for encouraging of Trade and Commerce, and for the credit of the Nation abroad, with Forreign Merchants, that there should be a particular Court erected of honest knowing Merchants, who are the only proper known Persons to judge in such Cases, and requiring Summar Execution, for many reasons that might be

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given. This Court also since its Sovereignty was extended, the Judges thereof were active enough to ply their time, the benefit of their Sentences accrewing to themselves, he making himself a Judge competent, in actions not competent for him, as was said already, or in case the Customs were put in a Commission, the Judges whereof no doubt should be knowing Merchants, who did not traffick themselves, and would be fit Judges in Debates anent Bills of Exchange. These have the Emoluments of the Court.

The Second Great Heritable Offices in the Kingdom; are

The Lord High *Constable*.

The Lord *Marshal*, and these Exercise their Jurisdictions, and keep their Guards in *Edinburgh* and the Parliament House, the time of the Meeting of the General States of Parliament, or Convention.

The Heritable Usher.

The Crown Bearer.

The Scepter Bearer.

The Purse Bearer.

The Sword Bearer.

} Before the King or His
} Commissioner in time
} of Parliament.

These have been altered in the time of some Parliaments.

The Chancery.

The Director of the *Chancery* an Ancient and Honourable Office, having been formerly the King's Chaplain, *Ergo Clericus*.

The Director Deputy, his own two Clerks, and a Register with two Copraters.

The Military Offices within the Kingdom whose Commissions are granted by the KING; are

The General, and all other Officers under him in Military employment, they have their ordinary dues which are known.

The Lieutenant General: Of old there were Lieutenants of Shires and Counties, but in desuetude.

The Master of the Ordinance, who is ordinarily term'd Lieutenant General of the Artillery; This Office will be the better distinguished by riding Marches, betwixt it and the Governour of the Castle of *Edinburgh*, to whom it was incommodious of late; the Army lying there.

The Major General.

The Captains of the Kings Guards of Horse, who take place, and hath the pay always of a Collonel, and is the first Collonel in the Kings Forces, and his two Lieutenants, Cornet, &c. Take their places in the Army accordingly.

The Collonels first of the Kings Guards of Foot, then the Collonels of other Regiments, either Horse or Foot as they are in, with all the Captains, Lieutenants of Companies and Ensignes with other subaltern Officers. Captains

Captains and Governours, Lieutenant Governours or Constables of-
ten so called, and other subaltern Officers of the Castles and Forts,
whereof there are five only in repair, and Garrisoned in *Scotland*,
viz. The Castle of *Edinburgh*, where the Crown and Honours,
and the most material Registers of the Kingdom are kept, and is a
good Post commanding the City of *Edinburgh*; here is kept the
Kings Cash when there is any store or quantity of it, of which
sometimes there was an ill accompt made; the Castles of *Strivling*,
Dumbarton, *Blackness*, and the *Bass*, but the Earl of *Mar* is heri-
table Keeper of *Strivling* Castle, the rest at the Kings grant.

The Muster Master General has his Commission from the King with a
yearly Pension, and ought to be a bred Souldier, being a place of
great Trust in that Sphere.

The Lyon - Office.

The *Lyon* King at Arms has his Commission ample from the KING
with great Priviledges, Immunities and Emoluments; and as it is
most Antient, so it is a most Honorable Place.

The *Lyon* Clerk. } The Lord *Lyon* with those makes a Court, and
The *Lyon* Heralds. } issue Precepts relating to their own Court
The Pursuivants. } and Jurisdiction, and have the Fees and Emo-
luments of their Offices.

The Messengers have their Commissions from the Lord *Lyon*, and are
convened for Faults, Convict, Sentenced and Punished, or Deprived
by this Court, but the creating of too many ignorant Messen-
gers contrary to the old Law, is a great Inconveniency and Oppressi-
on to the Nation: So that this Crew and the number of them should
be regular and conform to the old Law, for the fourth part of Mes-
sengers now in *Scotland* might serve.

Mint - House Officers.

The General of the *Mint*.

The Master of the *Mint-House*.

The Warden thereof.

The Sey Master thereof.

The Clerk, and many other Inferiour Officers: They have their Fees
and Emoluments.

This Office has been much abused of late by the evil management of
the Bullion and Coin.

The Kings Ordinary Servants anent his Health.

Two Physicians in Ordinary, with Pensions, they serve the King's
Commissioner.

One Apothecary. } More of Honour than of Profit since our King
One Chyrurgion. } liv'd in *England*, only they have small Pensions and
One Almoner. } are free of all publick burdens, as all the Kings
other Servants are.

The Bishops (when in being) have their Commission or Congyde-
lier from the King, which is only but the Kings consent to the Dean
and Chapters election of fit and qualified Persons for the Offices, in their
several

several Sees, which is the granting of the consent before the Election real: For this Election being of a long time but a Sham, because the King Orders the choosing such a Man, the person named being recommended by a Court Minion, whether good or bad, the King hardly knowing him; So that the Clergy themselves having been imposed upon of a long time, as well as other people, proves a check in that Kingdom, since the power of the General Assemblies was taken away, and the power thereof centered in one man in every Diocese; They constitute their Commissaries who keep their Courts with their own Clerks, except where the King has the making of Clerks. The See of *St. Andrews* being divided, and the Bishoprick of *Edinburgh* taken out of it by King *James VI.* they have the naming of the four Commissaries of *Edinburgh* equally between the two Bishops, but all those Commissary Courts, which formerly were constituted for patronage, and provision to the Widow and Fatherless, are proven a burthen to both those and the Leiges, by their exactions and quot, and confirmation Money for Testaments, though there were never so little left by the defunct to his Wife and Children; and generally the People in *Scotland* seldom agree with Bishops for their Commissary Courts, and many, even sober, neutral, unbiafed, and unprepossessed of the difference of Church Government, think that a well constitute moderate Presbyterian Government, that had not power to meddle with matters of State or Superintendency, either by Speech or in a Pulpit (which was the first Government after the Reformation) and was established in other well governed Countries, would agree and sute better with that peoples constitution: and these Governments and their Constitutions may be writ of a part if judged convenient.

The King appoints a chief Ranger of his Forrests, and Keepers of his Parks, but some have monopolized the Kings benefit, by the pretension of having those things heritable by a long Tract of their possession.

A List of the Inferiour Officers in Scotland, who have their Commissions from the King, or of late from the several Officers of State, other persons, or Corporations.

Places derived by Commissions from the King, still.

One or Two Solicitors or Agents for the King: A Pension.
 Two Clerks to the Privy Council. Emoluments of that Court.
 Two or Three Receivers, or Cash-keepers: A Pension.
 Conservator in the Low Countries: Pension and Emoluments.
 One or Two Post-Masters General, and Letter Offices, chiefly in *Edinburgh* and other places: Emoluments and a Pension.
 This Office would be extended through all the Kingdom.
 Clerks to the Treasury; Emol.
 Two Clerks to the Exchequer; Emol.

Register to the Thesaury : Emol. Presenter to the Signatures : Emol.
 Clerk to the Admiral Court : Emol. Several Sheriffs Clerks : Emol.
 Some Commissary Clerks : Emoluments.
 Collectors to the Customs, but that Office would be better regulated
 in a Commission to the benefit of the Nation, and the publick Re-
 venue, which can be made appear to a demonstration, and it has
 several depending Officers : Emoluments.
 Chamberlain to the Crown Rents of the Earldome of Ross and
 Lordship of Ardmearach : This Office in some Hands has been a
 vast Burden to the Fewers, and less benefit to the King : A Pension.
 The Chamberlain of the Crown Rents of Orkney and Scketland : A
 Pension.
 Collector to the Annuity of Teynds, none for present.
 Surveyer General : A Pension.
 Clerks to the Cocquets in some places : Casualties.
 Collectors of the Church Teynds, if brought in to the Exchequer,
 by which great benefits might be made, and the Clergy sufficient-
 ly provided, not in being as yet.
 Clerk to the High Commission if it continue : Casualties.
 Writer to the Privy Seal : Casualties.
 Usher to the Exchequer : Casualties.
 Counter of the Thesaury : Pension,
 The Kings Printer : Emoluments. Master of the Revels : Emoluments.
 The Kings Barber, Taylor, Sadler, Shoemaker, &c. Pensions.
 Sadler to the Artillery : Emoluments, and small Pension.
 Kings Smith. Kings Mason : Pensions.
 Kings Wright or Joyner, and many others of this Nature ; all have
 Pensions.

Dependers on the Lord Chantellor in his Office.

Appender of the Great Seal : Emoluments.
 The Cashiate : Emoluments.
 The Purse Bearer. The Mace Bearer : Both Pensions.
 The Keeper of the Inner-House Roll, and concluded Causes : Emol.

*Dependers on the Thesaurer, or Commissioners, and
 Thesaurer Deputy.*

All the Inferiour Officers in and about the Thesaury and Exchequer.
 The Farmers of Kings Customs, if in being.
 The Collectors of Excise, and all other Inferiour Collectors of the
 Kings Rents and Revenues, all have Pensions and Casualties.

Dependers on the Lord Privy Seal.

The Keeper of the Privy Seal only, Farmed.

Dependers on the Secretaries of State.

The Keepers of the Signet one or more, and their Deputies: Allowance of Pension.

All Writers to the Signet: Fees of their Employment.

All Signatures that pass under the Kings Hand before they come to the Exchequer, are Signed and Docketed by the Secretary, and he is to be answerable for what he Docks and Signs, notwithstanding that the King superscribes. The dues for Docking only, which is five Pound.

Their own Deputies and Servants in their Office.

Several others have their Commissions that way.

Places depending upon the Lord Register bringing Vast Casualties by their Enteries.

The Six Clerks of Session, who are Clerks to the Parliament, and their Six under Clerks, and all Extracters in the Three Offices: All buy their places of the Lord Register: Emoluments.

The Clerks of the Bill Chamber, and several other Clerks there, which is a great Office, and of Great Emoluments.

The Sheriffs Rolls and Stewards Rolls, Clerks (who are not many) but these are called Clerks of Exchequer, and the Lord Register gets entry Mony for them and their Deputies: Fees.

The Clerks of the Bailie Rolls: *Ibidem* Fees.

The Clerks of the Burrough Rolls and their Deputies: *Ibidem* Fees.

The General Register of Saifings, &c. Fees.

The General Register of Hornings and Inhibitions: Fees.

All the particular Registers of Saifins, Inhibitions, &c. in every Shire and Burrough of the Kingdom: Fees.

The Clerk for admission of publick Notaries in the whole Kingdom: Fees. Of late the Keeper of the Rolls of the Outer Session House, and the Keeper of the Minute Book of all things done in the Inner and Outer-House, though it properly belonged to the Lord President, with advice of the Lords.

All Clerks to the Justices of Peace in the Kingdom: Emoluments.

The Keepers of all the Registers and Rolls of Parliament, and Session, laid up in the lower Parliament house within the time prescribed to be there kept, with all his Substitutes, and Sub Clerks within the Kingdom. This is a great Emolument likewise, and is one of his casualties, what Fees they please.

There is another Office added to him, Parliament 1685. in the Clerks Office, called Keeper of the Register, which is beneficial and seems to be a grievance to the Nation, by the addition of half a Mark Scots mony to him for every Subscription.

The Kings Advocate.

He grants only deputations to persons in his own Office in any part of the Kingdom, where his presence cannot be in Criminal or Circuit Courts. His

His own Principal Servant, who in his name passes all extraordinary Bills competent to him for his dues, and Summons that are not priviledged without his marking, and Commissions for Trial.

The Justice Clerk.

He grants only Commission to the Clerk of Justice Court, some servile Macers, and the Doomster of that Court.

Town of Edinburgh.

The Two Town Clerks, and the several Deputies and Dependens in City and Suburbs, the Emoluments of which are great, and a place of great Trust, who ought to be known Lawyers, and Men of great skill as well as Integrity.

Agents for the Burroughs, chiefly dispos'd of by the Provost: A Pension. Keepers of the Tolbooths or Prisons of *Edinburgh, Leith, and Cannon-gate*: Emoluments.

Clerk to the Meetings of the whole Burroughs: Emoluments.

Clerks to the Kings Customs there: Pensions.

The disposal of many other beneficial places within the City and Suburbs, which with their other Priviledges, Rents casual and real, and Stems, makes a great publick good; but how imployed, being seldom called to an account, though the Lord Thesaurer, or Collector General, or Commissioners of the Thesaury are obliged yearly to call them, by vertue of an Act of Parliament, to an account in the Exchequer; neglecting of which, proves a great Detriment to the publick Good of the place

Sheriffs and their Deputies, only the Fees and Emoluments.

Most of the Sheriffs were anciently heritable, and being a matter more of Profit than of Charge, our Kings bought many of their Rights, so that there are now some of them heritable, some by the Kings Gift.

The Sheriff may sit by himself, or his Deputy, who judges in ordinary Causes, as also in Thefts, Murder, and lesser Crimes; but in Murder when the Criminal is taken in hot Blood, though there be no Appeal in this Kingdom, yet any Cause may be taken from it by Advococation before Sentence, or Suspension of the Decreet after Sentence by the Lords of Session in Equity, &c. and are the ordinary Reasons given in their Petitions or Bills: these Courts are much encroached upon by some later Regalities by Repledgiations.

A List of the Sherifffdoms of the Shires of Scotland, and their Sheriffs.

- 1 The Shire of *Edinburgh* comprehending *Midlotham*. By the Kings Gift.
- 2 The Shire of *Berwick* containing *Merse*. Earl of *Hume*.

3 The

- 3 The Shire of Peebles, containing *Tweddall*. Earl of *Tweddall*.
- 4 The Shire of *Selkirk*, containing the Forreſt. *Murray* of *Philiphaugh*.
- 5 The Shire of *Roxburgh*, containing *Tevidale*, &c. Duke of *Buccleugh*.
- 6 The Shire of *Drumfreis* containing *Niddisdale*, &c. Formerly Earl of *Drumfreis*, now Duke of *Queensberry*.
- 7 The Shire of *Wigtoun*, containing the Weſt part of *Galloway* to *Car-ruck*. Sir *Andrew Agnew*, but for preſent the Viſcount of *Dundee* by the late incroachment.
- 8 The Shire of *Air*, containing *Kyle*, *Carret*, and *Cunningham*. By the Kings Gift.
- 9 The Shire of *Ranfrew*, containing that Barony. Earl of *Eglintoun*.
- 10 The Shire of *Lanerk*, containing *Clidiſdale*. Duke of *Hamilton*.
- 11 The Shire of *Dunbarton*, containing *Lenox*. Duke of *Lenox*.
- 12 The Shire of *Boot*, containing the Iſles of *Boot* and *Arran*. *Stuart* of *Boot*.
- 13 The Shire of *Interara*, containing *Argile*, and ſome of the Weſtern Iſlands. Earl of *Argile*.
- 14 The Shire of *Perth* containing *Atholl* and much Highlands, with the Earldom of *Monteith* and *Trathern*. Marquels of *Atholl*.
- 15 The Shire of *Striveling* lies on both ſides of the River of *Forth*. Earl of *Marr*.
- 16 The Shire of *Linlithgow* containing *Weſtlothian*. *Hopetoun*.
- 17 The Shire of *East Lothian*. Earl of *Wintoun*.
- 18 The Shire of *Clackmannan* containing a part of *Fiffe*. *Bruce* of *Clockmannan*.
- 19 The Shire of *Kinroſs* containing another part of *Fiffe*. Earl of *Mortoun*.
- 20 The Shire of *Coupar* contain the third Diviſion of *Fiffe*. Earl of *Rothes*.
- 21 The Shire of *Forſar* containing *Angus* with its pertinent. Earl of *Southesk*.
- 22 The Shire of *Kinkardin* containing *Merms*. Earl of *Marſhal*.
- 23 The Shire of *Aberdeen* with its ſeveral pertinent of great extent. By Gift.
- 24 The Shire of *Bamſey* containing part of *Buchan*, &c. Baird of *Auch-medan*.
- 25 The Shire of *Elgin* containing the Eaſtern part of *Morray*. *Dum-bar* of *Weſtfield*.
- 26 The Shire of *Naim* containing the Weſt part thereof. Sir *Hugh Cambell* of *Calder*.
- 27 The Shire of *Innerneſs* containing *Badzenoch*, *Lochqualer*, and the South part of *Rofs*; but formerly contained all beneath it. Earl of *Morray*.
- 28 The Shire of *Cromartie* containing that part of *Rofs* within its Frith. Viſcount of *Tarbat*.
- 29 The Shire of *Rofs* containing the *Sky*, *Lewis* and *Harrick*. By Gift.
- 30 The Shire of *Sutherland* containing *Strathwater*. Earl of *Sutherland*.
- 31 The Shire of *Cathnes* containing that Country. Earl of *Cathnes*.
- 32 The Shire of *Orkney*. By Gift.

The Burghs of Regality and Barony being no State, ſending no Commiſſioners to Parliament, or Convention; and having leſs Priviledges

**A List of the Boroughs, and because many of them strive for pre-
cedency they are set down in their several and respective
Shires.**

Middle, East, and West Lothians.	Forfar.	Banff.
Edinburgh the Metro- polis.	Perth.	Cullen.
Leith.	Arbroath.	Ross.
Haddington.	Galloway.	Inverness.
North Cerkick.	Kirkcaldy.	Tain.
Dunbar.	Wigtown.	Dingwall.
Perth in Perth-shire.	Wick.	Albany.
	Strathmore.	Inverurie.
		Rothesay in Bute.
The County of Fife.	Clidisdale.	Dumfries in Dumfries.
St. Andrews.	Glasgow.	Inverary in Argyll.
Coupar.	Lanark.	Jedburgh in Tevidale.
Kirkcaldie.		Peebles in Tweeddale.
Crail.	Murray.	Selkirk in Forreth-shire.
Anstruther.	Elgin.	Striving upon Forth.
Pittinweeme.	Nairn.	Dumblain in Menteith.
Dysert.	Forres.	Dornoch in Sutherland.
Earlsferry.		Annandale.
Kinghorn.	Ranfrow-shire.	Annan.
Inverkerthing.	Ranfrow.	Lochnab.
Burnt-Island.	Passy.	Nithsdale.
Queensferry.	Ruglen.	Drumfries.
Dumfries.	Marr.	Sanguar.
Cullross.	Aberdeen.	Beroy in Mernis.
Clackmannan in Clack- mannan-shire.	Kintore.	
Angus.	Inner-rurie.	
Dundee.		

All these inferior Judges and Magistrates, though they have their own Law and Customs to rule by, yet all their decisions and determinations, centers in the Common, Civil, and Municipal Law, by which the Sovereign Judicatures proceed, and that gives a check to any irregularities that these commit in their respective Jurisdictions for redressing the grieved. Many things might be added to this were it not intended only as an Abreviate, to give a vidimus to those who are not obliged to know so much of the present State of Scotland, and the Incroachments of late.

F I N I S.

ledges and belonging to particular persons, as the Kings Grants; and where these Lords or Barons hold their own particular Courts (but have power of Pet and Writs) they are not to be treated of here, not concerning the Government much, except in so far as late Grants encroaches upon old Jurisdiction.

Constabularies, Stewartries, and Baileries

Constabulary of Haddingtoun containing *East Lothian and Lantherdale*.

Earl of Lantherdale if he represent

Constabulary of Dundee, and other pendicles. Now the Viscount of Dundee by the late alteration

Stewartry of Strathern with its pendicles. Earl of Perth.

Stewartry of Monteith. Earl of Monteith.

Stewartry of Annandale with its pertinents. Earl of Annandale, Johnston.

Stewartry of Kirkcubright, containing all the East part of Galloway.

Earl of Nithisdale.

Bailery of Kyle, in desuetude.

Bailery of Carrick. Earl of Cassils.

Bailery of Cupparinghame. Earl of Eglintoun.

The Royal Boroughs, and the free In-corporations of Scotland.

These are a State a part, and have their yearly Conventions from which a Commissioner comes from every one of them to the Parliament, Convention, or General Meeting of the States of the Kingdom: They make Laws also for themselves about Trade and other things relating to the In-corporations, their Conventions are circular, going round about the head Burghs, and at one Meeting names the other. In these Burroughs there is a Provost, called the Lord Provost in the Metropolitan City of *Edinburgh*, equivalent to the Lord Major in *England*, he is *Præfatus Urbis*. In *Edinburgh* there are four Bailiffs or Aldermen that are next to the Provost in the Government: In most of all the rest of the Burrows, there are only their Provost, and two Bailiffs or Aldermen. They have also their Dean of Gild or Edilis, their Thesaurer and Common Council, all (if Legally chosen) are chosen by their own Community, conform to their Charters: Their Council of which the one half is chosen by Merchants, the other half by Tradesmen every Year. The Trades have their Courts, for which there is one from every Trade called the Deacon, and choose their Deacon Convener to meet about their own Affairs; these Free Corporations are called Free-men of Trade. The Town Council meets once or twice a Week, to consider the Affairs of their In-corporation, they have their several distinct Courts for administering in indifferent Affairs, but their Magistrates by their Fundamental Rights continue but one Year; notwithstanding of any late Court procedure with which some Citizens complied for private interest.

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